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Viewing cable 08ISLAMABAD3849, PREVENTIVE DETENTION FOR MUMBAI ATTACKERS

If you are new to these pages, please read an introduction on the [structure of a cable](#) as well as how to [discuss them](#) with others. See also the [FAQs](#)

Understanding cables

Every cable message consists of three parts:

- The top box shows each cable's unique reference number, when and by whom it originally was sent, and what its initial classification was.
- The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject.
- The bottom box presents the body of the cable. The opening can contain a more specific subject, references to other cables ([browse by origin](#) to find them) or additional comment. This is followed by the main contents of the cable: a summary, a collection of specific topics and a comment section.

To understand the justification used for the classification of each cable, please use this [WikiSource](#) article as reference.

Discussing cables

If you find meaningful or important information in a cable, please link directly to its unique reference number. Linking to a specific paragraph in the body of a cable is also possible by copying the appropriate link (to be found at the paragraph symbol). Please mark messages for social networking services like Twitter with the hash tags **#cablegate** and a hash containing the reference ID e.g. **#08ISLAMABAD3849**.

Reference ID	Created	Released	Classification	Origin
08ISLAMABAD3849	2008-12-16 14:02	2011-08-30 01:44	CONFIDENTIAL	Embassy Islamabad

Appears in these articles:

<http://www.thehindu.com/news/the-india-cables/article1582582.ece>

VZCZCXRO7542
PP RUEHLH RUEHPW
DE RUEHIL #3849/01 3511402
ZNY CCCCC ZZH
P 161402Z DEC 08
FM AMEMBASSY ISLAMABAD
TO RUEHC/SECSTATE WASHDC PRIORITY 0707
INFO RUEHBUL/AMEMBASSY KABUL 9580
RUEHLO/AMEMBASSY LONDON 9284
RUEHNE/AMEMBASSY NEW DELHI 4206
RUEHKP/AMCONSUL KARACHI 0788
RUEHLH/AMCONSUL LAHORE 6519
RUEHPW/AMCONSUL PESHAWAR 5378
RHMFISS/CDR USCENTCOM MACDILL AFB FL
RHWSMRC/USCINCCENT MACDILL AFB FL
RUMICEA/USCENTCOM INTEL CEN MACDILL AFB FL
RUEKJCS/SECDEF WASHINGTON DC
RUEAIIA/CIA WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 ISLAMABAD 003849

SIPDIS

E.O. 12958: DECL: 12/16/2018
TAGS: [PGOV](#) [PREL](#) [PTER](#) [KJUS](#) [IN](#) [PK](#)
SUBJECT: PREVENTIVE DETENTION FOR MUMBAI ATTACKERS

REF: ISLAMABAD 3819

Classified By: Anne W. Patterson for reasons 1.4 (b), (d).

[1](#). (SBU) Summary: The continued police round-ups in Pakistan of persons even tangentially connected to the Mumbai attacks have generated much Legal Grounds for Preventive Detention

[2](#). (U) The use of preventive detention is well established in both law and practice across the Indian Subcontinent. This directly reflects a l
[3](#). (U) As a consequence of this legacy, preventive detention has been used in Pakistan since independence, and has survived successive constit
[4](#). (U) The constitutional basis for preventive detention, Article 10, is sweeping in scope; it allows for the preventive detention of "person
[5](#). (U) For a constitutional provision, Article 10 is also startling both in the degree of procedural specificity it provides regarding prevent

No Real Cap on Detention Limits

[6](#). (U) While the conventional wisdom holds that there is a twelve month limit on preventive detention, in fact the Constitution leaves a loop
[7](#). (U) The government's burden in establishing grounds for preventive detention is light; the Review Board need only agree that a "reasonable
The Anti-Terrorism Act and Other Laws

[8](#). (U) The constitutional provisions on preventive detention are also reflected in various statutes and ordinances enacted by Pakistan over th
[9](#). (U) The ATA, in particular, often serves as the basis for preventive detentions. Like the Constitution, it is sweeping in scope, allowing f
[10](#). (U) While the ATA states that detention under the Act should not exceed twelve months, it also directly incorporates Article 10 of the Cor
Charging the Mumbai Attackers

[11](#). (C) Pakistan's extensive preventive detention regime provides a convenient mechanism, at least in the immediate term, for dealing with per
[12](#). (C) When questioned further about how Pakistan might assert jurisdiction under the ATA (or any other statute) over acts that occurred in I
[13](#). (C) Comment: Pakistan's government is finding convenient use for its preventive detention laws in the wake of international pressure to dc
PATTERSON